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Attorney General of California  
2 BENJAMIN M. GLICKMAN, State Bar No. 247907  
Supervising Deputy Attorney General  
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7 *Attorneys for Defendants Gavin Newsom, in his*  
*official capacity as Governor of California, and Rob*  
8 *Bonta, in his official capacity as Attorney General of*  
*California*

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12  
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14 **ARNOLD ABRERA,**

15 Plaintiff,

16 v.

17 **GAVIN NEWSOM, in his official capacity**  
18 **as Governor of the State of California; ROB**  
19 **BONTA, in his official capacity as Attorney**  
20 **General of the State of California; ANNE**  
21 **MARIE SCHUBERT, in her official**  
22 **capacity as County of Sacramento District**  
23 **Attorney; COUNTY OF SACRAMENTO;**  
**BOBBY DAVIS, in his official capacity as**  
**Chief of the Elk Grove Police Department;**  
**JONATHAN P. HOBBS, in his official**  
**capacity as the City Attorney for the City of**  
**Elk Grove; CITY OF ELK GROVE,**

24 Defendants.  
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Case No. 2:22-cv-01162-JAM-DB

**STATE DEFENDANTS' RESPONSE TO  
THE COURT'S ORDER TO SHOW  
CAUSE; SUPPORTING DECLARATION  
OF ANTHONY P. O'BRIEN**

Courtroom: 6  
Judge: The Honorable John A.  
Mendez  
Trial Date: None Set  
Action Filed: July 5, 2022

1 Defendants Gavin Newsom, in his official capacity as Governor of California, and Rob  
2 Bonta, in his official capacity as Attorney General of California (collectively “State Defendants”)  
3 submit the following declaration of counsel in response to the Court’s Order to Show Cause,  
4 issued December 13, 2022 (ECF No. 33).

5 Pursuant to the Court’s request, State Defendants submit the attached declaration solely to  
6 document the attorneys’ fees incurred in opposing Plaintiff’s Motion for Preliminary Injunction.  
7 Nonetheless, although State Defendants agree that the motion for preliminary injunction was  
8 unnecessary given their prior representations, they do not believe that sanctions against Plaintiff’s  
9 counsel are warranted at this time.

10 Dated: December 16, 2022

Respectfully submitted,

11 ROB BONTA  
12 Attorney General of California  
13 BENJAMIN M. GLICKMAN  
Supervising Deputy Attorney General

14 */s/ Anthony P. O’Brien*

15 ANTHONY P. O'BRIEN  
16 Deputy Attorney General  
17 *Attorneys for Defendants Gavin Newsom, in*  
18 *his official capacity as Governor of*  
*California, and Rob Bonta, in his official*  
*capacity as Attorney General of California*

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**DECLARATION OF ANTHONY P. O'BRIEN**

I, Anthony P. O'Brien, hereby declare as follows:

1. I am a Deputy Attorney General with the California Department of Justice and serve as counsel in this action for Defendants Governor Gavin Newsom and Attorney General Rob Bonta, in their official capacities (collectively, "State Defendants"). I make this declaration in response to the Court's Order to Show Cause, filed on December 13, 2022 (ECF No. 33). I have personal, firsthand knowledge of the matters set forth below and, if called as a witness, I could and would testify competently thereto.

2. Our office incurred \$11,385.00 in attorneys' fees opposing Plaintiff's Motion for Preliminary Injunction, filed October 6, 2022. ECF No. 19. Those fees included the time I spent in drafting the opposition, along with the time spent by supervising attorneys reviewing and editing the opposition. A copy of the timesheet for the attorneys' fees incurred in this matter is attached as Exhibit 1.<sup>1</sup>

3. Our office filed State Defendants' Opposition to the Motion for Preliminary Injunction on October 20, 2022. ECF No. 22.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 16th day of December, 2022 in Roseville, California.

/s/ Anthony P. O'Brien  
Anthony P. O'Brien

<sup>1</sup> As noted in the attached timesheet, this amount reflects a combined total of 51.75 hours at an hourly rate of \$220 for all attorneys drafting, reviewing, and editing the opposition. If prevailing market rates apply, the State Defendants' associated costs would be higher.

# EXHIBIT 1



# Matter Time Activity By Professional Type

Between Oct 6, 2022 and Oct 20, 2022

Matter ID: SA2022303127

Date Opened: 07/18/2022

Description: Abrera, Arnold v. Gavin Newsom, et al.

Professional Type: Attorney

Fiscal Year: 2022

Professional: Anthony P. O'Brien

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj ?	Statement Date
305486348	10/7/22	CV-GOV:120	82003	Communications	4.75	\$220.00	\$1,045.00		10/31/22
305498826	10/10/22	CV-GOV:120	82003	Drafting	0.25	\$220.00	\$55.00		10/31/22
305498832	10/11/22	CV-GOV:120	82003	Drafting	0.25	\$220.00	\$55.00		10/31/22
305498845	10/12/22	CV-GOV:120	82003	Drafting	1.50	\$220.00	\$330.00		10/31/22
305498873	10/13/22	CV-GOV:120	82003	Communications	0.50	\$220.00	\$110.00		10/31/22
305498898	10/14/22	CV-GOV:120	82003	Drafting	4.75	\$220.00	\$1,045.00		10/31/22
305516054	10/17/22	CV-GOV:120	82003	Drafting	7.00	\$220.00	\$1,540.00		10/31/22
305516059	10/18/22	CV-GOV:120	82003	Drafting	2.75	\$220.00	\$605.00		10/31/22
305516070	10/19/22	CV-GOV:120	82003	Drafting	9.00	\$220.00	\$1,980.00		10/31/22
305516073	10/20/22	CV-GOV:120	82003	Drafting	5.75	\$220.00	\$1,265.00		10/31/22

Anthony P. O'Brien Totals:

36.50

\$8,030.00

Professional: Benjamin M. Glickman

305481241	10/6/22	CV-GOV:120	82003	Research/Analysis/Strategy	0.50	\$220.00	\$110.00		10/31/22
305481348	10/7/22	CV-GOV:120	82003	Research/Analysis/Strategy	1.00	\$220.00	\$220.00		10/31/22
305499181	10/13/22	CV-GOV:120	82003	Research/Analysis/Strategy	0.75	\$220.00	\$165.00		10/31/22
305499207	10/14/22	CV-GOV:120	82003	Research/Analysis/Strategy	0.75	\$220.00	\$165.00		10/31/22
305516313	10/17/22	CV-GOV:120	82003	Research/Analysis/Strategy	0.50	\$220.00	\$110.00		10/31/22
305516332	10/18/22	CV-GOV:120	82003	Research/Analysis/Strategy	1.75	\$220.00	\$385.00		10/31/22
305516336	10/19/22	CV-GOV:120	82003	Research/Analysis/Strategy	1.00	\$220.00	\$220.00		10/31/22
305516383	10/20/22	CV-GOV:120	82003	Research/Analysis/Strategy	0.50	\$220.00	\$110.00		10/31/22

Benjamin M. Glickman Totals:

6.75

\$1,485.00

Professional: Helen H. Hong

802233959	10/19/22	EX-OSG:079	82003	OSG Writing/Editing	2.25	\$220.00	\$495.00		10/31/22
802233972	10/20/22	EX-OSG:079	82003	OSG Analysis/Strategy	1.00	\$220.00	\$220.00		10/31/22

Helen H. Hong Totals:

3.25

\$715.00



# Matter Time Activity By Professional Type

Between Oct 6, 2022 and Oct 20, 2022

Professional: P. Patty Li									
Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj ?	Statement Date
402632680	10/18/22	CV-GOV:120	82003	Supervisory Review	0.75	\$220.00	\$165.00		10/31/22
402632681	10/19/22	CV-GOV:120	82003	Supervisory Review	0.50	\$220.00	\$110.00		10/31/22
402632690	10/20/22	CV-GOV:120	82003	Supervisory Review	0.75	\$220.00	\$165.00		10/31/22
P. Patty Li Totals:					2.00		\$440.00		
Professional: Samuel P. Siegel									
402605154	10/7/22	EX-OSG:079	82003	OSG Analysis/Strategy	2.50	\$220.00	\$550.00		10/31/22
Samuel P. Siegel Totals:					2.50		\$550.00		
Professional: Thomas S. Patterson									
402625666	10/19/22	CV-GOV:120	82003	Supervisory Review	0.75	\$220.00	\$165.00		10/31/22
Thomas S. Patterson Totals:					0.75		\$165.00		
2022 Totals:					51.75		\$11,385.00		
Attorney Totals:					51.75		\$11,385.00		
SA2022303127 Totals:					51.75		\$11,385.00		

### **CERTIFICATE OF SERVICE**

Case Name: **Abrera, Arnold v. Gavin  
Newsom, et al.**

No. **2:22-cv-01162-JAM-DB**

I hereby certify that on December 16, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STATE DEFENDANTS' RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE;  
SUPPORTING DECLARATION OF ANTHONY P. O'BRIEN**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on December 16, 2022, at Sacramento, California.

Ritta Mashriqi  
Declarant

/s/Ritta Mashriqi  
Signature